

**Introduced by Senator Fuller**February 22, 2013

---

An act to amend Section 325 of the Code of Civil Procedure, relating to civil actions.

## LEGISLATIVE COUNSEL'S DIGEST

SB 698, as introduced, Fuller. Adverse possession.

Existing law requires that a person claiming title in an action for adverse possession show that the land has been occupied and claimed for a period of 5 years continuously and that all state, county, or municipal taxes levied on the land during that period have been timely paid, as provided.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 325 of the Code of Civil Procedure is  
2 amended to read:  
3 325. (a) For the purpose of constituting an adverse possession  
4 by a person claiming title, not founded upon a written instrument,  
5 judgment, or decree, land is deemed to have been possessed and  
6 occupied *only* in the following cases ~~only~~:  
7 (1) Where it has been protected by a substantial enclosure.  
8 (2) Where it has been usually cultivated or improved.  
9 (b) ~~In no case shall adverse possession be considered established~~  
10 ~~under the provision of any section of this code, unless it shall be~~

1 ~~shown~~ *Adverse possession may be established for purposes of this*  
2 *code only if the party or person claiming title shows that the land*  
3 *has been occupied and claimed for the period of five years*  
4 *continuously; and that the party or persons, including their*  
5 *predecessors and grantors, have timely paid all state, county, or*  
6 *municipal taxes that have been levied and assessed upon the land*  
7 *for the period of five years during which the land has been occupied*  
8 *and claimed. Payment of those taxes by the party or persons,*  
9 *including their predecessors and grantors, shall be established by*  
10 *certified records of the county tax collector.*